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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/590,502	06/09/2000	Robert L. Piccioni	067555.0102	2473
7590	03/25/2004		EXAMINER	
Darren W Collins Esq Baker Botts LLP 2001 Ross Avenue Dallas, TX 75201-2980			KANG, PAUL H	
			ART UNIT	PAPER NUMBER
			2141	20
DATE MAILED: 03/25/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/590,502	PICCIONI, ROBERT L.	
	Examiner Paul H Kang	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 29 December 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-12 and 17-24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-12, 17-20, 23 and 24 is/are rejected.

7) Claim(s) 21 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date .

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other: ____ .

DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7-12, 20 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, US Pat. No. 6,173,284 B1, in view of Langsenkamp et al., US Pat. No. 5,912,947, and further in view of Chan et al., US Pat. App. Pub. No. US 2002/0019941 A1.

3. As to claims 1 and 20, Brown teaches the invention substantially as claimed. Brown teaches a system and method for situation tracking comprising:

a computer readable storage medium (Brown, col. 2, line 37 – col. 3, line 34 and col. 5, lines 1-40);

an application stored in the computer readable storage medium and operable to:

receive an alert at a clearing house (a crime event is updated on the police database; Brown, col. 1, line 21 – col. 2, line 10 and col. 12, lines 8-45);

handling a public safety event based on the alert (Brown, col. 5, line 1 – col. 6, line 6);

generate a notification in response to a subscriber profile and the public safety event (Brown, col. 5, line 1 – col. 6, line 6);

determine a destination for the notification based on the subscriber profile (Brown, col. 7, lines 31-63); compare at least one criteria element associated with a notify criteria associated with the subscriber profile and at least one event element of the public safety event (Brown, col. 7, line 31 – col. 8, line 49); determine a match between the notify criteria and the event based on the comparison (Brown, col. 7, line 31 – col. 8, line 49).

However, Brown does not explicitly teach a system and method to determine whether a subscriber associated with the subscriber profile has access to the matched events based on a type associated with the subscriber profile.

In the same field of endeavor, Langsenkamp teaches a public notification system and method wherein a type associated with the subscriber, such as residential subscriber, media, or business, is used to determine subscriber access to the matched events (see Langsenkamp, col. 17, line 64 – col. 18, line 67 and col. 21, line 15-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the type dependent access as taught by Langsenkamp, into the emergency notification system of Brown for the purpose of efficiently controlling access and message distribution.

Brown-Langsenkamp does not explicitly teach the type indicating whether a particular portion of information concerning the matched public safety event is to be transmitted to the subscriber in response to receiving a request to access the information from the subscriber. In the same field of endeavor, Chan teaches restricting and allowing access to portions of information

based on an access control list (ACL) and user privilege information (Chan, page 1, paragraphs 0006-0007 and page 5, paragraph 0057 – page 6, paragraph 0068).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the access control of Chan into the system of Brown-Langsenkamp in order to enhance data access features.

However, Brown-Langsenkamp-Chan does not explicitly teach the notification including contact information associated with an entity responsible for the public safety event. In the same field of endeavor, Bergman teaches including contact information associated with the person responsible for the public safety event in order to track lost persons (ANI service, Bergman, col. 3, lines 31-53). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the contact information, as taught by Bergman, into the notification system of Brown-Langsenkamp-Chan, for the purpose of enhancing the quality of the notification data and increase/enhance ability of notified party to react to the notice.

4. As to claim 2, Brown-Langsenkamp-Chan-Bergman teach determining a type associated with the alert at the clearing house and wherein the event comprises a type indication, a location indication, a time indication, a date indication, an access level indication and event details, the access level indication indicating a plurality of subscribers whose requests to access information concerning the matched public safety event are to be granted. (Brown, col. 7, lines 7-63 and Chan, page 1, paragraphs 0006-0007).

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5. As to claim 3, Brown-Langsenkamp-Chan-Bergman teach the subscriber profile comprising a notify criteria, the notify criteria comprising a geographical distance around a first location, wherein the event comprises a second location indication and wherein generating a notification comprises determining whether the second location indication is within the geographic distance of the first location (Langsenkamp, col. 12, line 1 – col. 13, line 36 and col. 16, lines 20-51).

6. As to claim 4, Brown-Langsenkamp-Chan-Bergman teach associating at least one information need with the subscriber profile, the information need comprising at least one event related item of interest to the subscriber (Brown, col. 5, line 1 – col. 6, line 6; Sex-offender in a given geographical area; Langsenkamp, col. 7, lines 7-26);

comparing the information need to at least one of the public safety events (Brown, col. 5, line 1 – col. 6, line 6; Langsenkamp, col. 7, lines 7-26 and col. 21, lines 15-67); and determining at least one notification to be generated in response to a result associated with the comparison (Brown, col. 5, line 1 – col. 6, line 6; Langsenkamp, col. 7, lines 7-26 and col. 21, lines 15-67).

7. As to claim 5, Brown-Langsenkamp-Chan-Bergman teach the result comprising a selected event selected based on the comparison (Brown, col. 5, line 1 – col. 6, line 6; Langsenkamp, col. 7, lines 7-26 and col. 21, lines 15-67).

8. As to claim 7, Brown-Langsenkamp-Chan-Bergman teach generating the at least one notification comprises generating at least one electronic mail message based on the selected event and wherein the destination comprises an electronic mail address (Brown, col. 7, lines 7-63 and col. 11, lines 10-29).

9. As to claim 8, Brown-Langsenkamp-Chan-Bergman teach comparing the information need comprising determining whether the subscriber is allowed to access the event (Brown, col. 7, lines 7-30 and Langsenkamp, col. 2, lines 30-56 and col. 17, line 64 – col. 18, line 67).

10. As to claim 9, Brown-Langsenkamp-Chan-Bergman teach handling the event comprises updating the event when the alert is updating an existing event and generating the event when the alert is associated with a new event (Brown, col. 7, line 64 – col. 8, line 18 and col. 12, lines 8-45; Langsenkamp, col. 21, lines 15-37).

11. As to claims 10 and 11, Brown-Langsenkamp-Chan-Bergman teach the subscriber profile comprises a generic profile comprising a media generic profile (Langsenkamp, col. 17, line 64 – col. 18, line 67).

12. As to claim 12, Brown-Langsenkamp-Chan-Bergman teach generating the notification comprises:

comparing at least one criteria element associated with a notify criteria associated with the subscriber profile and at least one event element of the public safety event (Brown, col. 7, line 7 – col. 8, line 49);

determining a match between the notify criteria and the public safety event based on the comparison (Brown, col. 7, line 7 – col. 8, line 49); and

determining whether a media subscriber associated with the media generic profile has access to the matched events (Brown, col. 7, line 7 – col. 8, line 49; Langsenkamp, col. 2, lines 30-56 and col. 17, line 64 – col. 18, line 67).

13. As to claim 22, Brown-Langsenkamp-Chan teach the method for situation tracking according to claim 1, and further comprising expiring the public safety event based on a statute of limitation (Brown, col. 7, line 64 – col. 8, line 18).

14. As to claim 23, Brown-Langsenkamp-Chan teach communicating to a server over a wireless data communication system, examining the alert at the server and determining whether to communicate the alert to the clearing house based on the examination (Brown, col. 7 – col. 8, line 49; Langsenkamp, col. 2, lines 30-56 and col. 17, line 64 – col. 18, line 67; Chan, page 1, paragraphs 0006-0007 and page 5, paragraph 0057 – page 6, paragraph 0068; Bergman, col. 3, lines 31-53).

15. As to claim 24, Brown-Langsenkamp-Chan-Bergman teach use of email addresses (Brown, col. 7, line 7 – col. 8, line 49; Langsenkamp, col. 2, lines 30-56 and col. 17, line 64 –

col. 18, line 67; Chan, page 1, paragraphs 0006-0007 and page 5, paragraph 0057 – page 6, paragraph 0068; Bergman, col. 3, lines 31-53);

16. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown-Langsenkamp-Chan-Bergman, as applied above, further in view of Hunt et al., US Pat. No. 5,893,091.

17. As to claim 6, Brown-Langsenkamp-Chan-Bergman teach the invention substantially as claimed. However, Brown-Langsenkamp-Chan-Bergman do not explicitly teach generating the at least one notification comprising generating at least a portion of one web page based on the selected event and wherein the destination comprises a web site.

In the analogous field of networked notification systems, Hunt teaches implementing websites to post notification to users (Hunt, col. 9, line 11 – col. 10, line 14).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the use of web pages to notify subscribers, as taught by Hunt, into the system of Brown-Langsenkamp-Chan-Bergman for the purpose of increasing notification delivery efficiency and enhancing delivery options.

18. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, US Pat. No. 6,173,284 B1, in view of Langsenkamp et al., US Pat. No. 5,912,947, in view of Chan et al., US Pat. App. Pub. No. US 2002/0019941 A1, in view of Bergman et al., US Pat. No.

5,955,952 and further in view of Colgan, US Pat. No. 5,510,978.

19. As to claim 17, Brown teaches the invention substantially as claimed. Brown teaches a method for crime tracking comprising:

communicating an alert to a server (Brown, col. 1, line 21 – col. 2, line 10 and col. 12, lines 8-45);

handling a crime event associated with the alert at the server (Brown, col. 5, line 1 – col. 6, line 6);

generating a notification in response to a subscriber profile and the crime event (Brown, col. 5, line 1 – col. 6, line 6);

comparing at least one criteria element associated with a notify criteria associated with the subscriber profile and at least one event element of the crime event (Brown, col. 7, line 31 – col. 8, line 49);

determining a match between the notify criteria and the crime event based on the comparison(Brown, col. 7, line 31 – col. 8, line 49).

However, Brown does not explicitly teach a system and method to determine whether a subscriber associated with the subscriber profile has access to the matched events based on a type associated with the subscriber profile.

In the same field of endeavor, Langsenkamp teaches a public notification system and method wherein a type associated with the subscriber, such as residential subscriber, media, or business, is used to determine subscriber access to the matched events (see Langsenkamp, col. 17, line 64 – col. 18, line 67 and col. 21, line 15-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the type dependent access as taught by Langsenkamp, into the emergency notification system of Brown for the purpose of efficiently controlling access and message distribution.

Brown-Langsenkamp does not explicitly teach the type indicating whether a particular portion of information concerning the matched public safety event is to be transmitted to the subscriber in response to receiving a request to access the information from the subscriber. In the same field of endeavor, Chan teaches restricting and allowing access to portions of information based on an access control list (ACL) and user privilege information (Chan, page 1, paragraphs 0006-0007 and page 5, paragraph 0057 – page 6, paragraph 0068).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the access control of Chan into the system of Brown-Langsenkamp in order to enhance data access features.

However, Brown-Langsenkamp-Chan does not explicitly teach the notification including contact information associated with an entity responsible for the public safety event. In the same field of endeavor, Bergman teaches including contact information associated with the person responsible for the public safety event in order to track lost persons (ANI service, Bergman, col. 3, lines 31-53). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the contact information, as taught by Bergman, into the notification system of Brown-Langsenkamp-Chan, for the purpose of enhancing the quality of the notification data and increase/enhance ability of notified party to react to the notice.

Further, while Brown-Langsenkamp-Chan-Bergman teach bi-directional communication between a remote device associated with a police vehicle and a server, Brown-Langsenkamp-Chan-Bergman do not explicitly teach generating an alert from the mobile device associated with the law enforcement vehicle. In the same field of endeavor, Colgan teaches generating an alert from a remote device to update a police databases (Colgan, See Background and Summary, col. 1, line 15 – col. 3, line 42).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the police database updating method, as taught by Colgan, into the system of Brown-Langsenkamp-Chan-Bergman for the purpose of increasing the timeliness and accuracy of database updates.

20. As to claim 18, Brown-Langsenkamp-Chan-Bergman-Colgan teaches the method for crime tracking according to claim 17, wherein the alert comprises a type indication, a location indication, a time indication, a date indication and a payload (Brown, col. 7, lines 7-63).

21. As to claim 19, Brown-Langsenkamp-Chan-Bergman-Colgan teaches the method for crime tracking according to claim 17, wherein the criteria element and the crime event element comprise a geographic location associated with the crime event (Langsenkamp, col. 12, line 1 – col. 13, line 36).

Allowable Subject Matter

22. Claim 21 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

23. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection. The applicant argued in substance that:

- a. "there is no motivation to combine Chan with Brown or Langsenkamp. The Examiner appears to have engaged in improper hindsight reconstruction based on Applicant's disclosure."
 - i. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In this case, Brown teaches a system and method for automatically monitoring police records for a crime profile. This communication is implemented over a communications network. In the same field of endeavor, Langsenkamp teaches a notification system, also implemented over a

communications network, that enables selective distribution of event notification. The artisan of ordinary skill in the art would have incorporated the selective notification as taught by Langsenkamp, into the notification system of Brown, for the purpose of enhancing the quality of the notification data. Likewise, the artisan would have seen the benefits of restricting unauthorized access to the information, especially in determining that portion of the information suitable for a specified group, i.e., police, fire department, news organization. The prior art teachings were silent, however, as to the explicit details in apportioning portions of messages to appropriate groups. In the analogous field of data communications over networks, Chan teaches such a function. The artisan would have been motivated to implement the teachings of Chan in data communications, into the notification system of Brown-Langsenkamp.

- b. The prior art of record fails to teach or suggest “generating an alert from a mobile device associated with a law enforcement vehicle”.
 - ii. In response to applicant's argument regarding use of the system in a law enforcement vehicle, the prior art system may be implemented from a law enforcement vehicle or any other device capable of such communication. Although the prior art was cited to teach use of communication by law enforcement vehicles, it is noted a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior

art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (703) 308-6123. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paul H Kang
Examiner
Art Unit 2141